

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

UNITED STATES OF AMERICA, )  
Plaintiff, )  
 )  
v. ) CAUSE NO.: 2:15-CR-104-JTM-PRC  
 )  
AUSTIN LAMPLEY, )  
Defendant. )

**FINDINGS AND RECOMMENDATION OF THE MAGISTRATE JUDGE  
UPON PLEA OF GUILTY BY DEFENDANT AUSTIN LAMPLEY**

TO: THE HONORABLE JAMES T. MOODY,  
UNITED STATES DISTRICT COURT

Upon Defendant Austin Lampley's request to enter a plea of guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter came for hearing before Magistrate Judge Paul R. Cherry, on February 12, 2016, with the consent of Defendant Austin Lampley, counsel for Defendant Austin Lampley, and counsel for the United States of America.

The hearing on Defendant Austin Lampley's plea of guilty was in full compliance with Rule 11, Federal Rules of Criminal Procedure, before the Magistrate Judge in open court and on the record.

In consideration of that hearing and the statements made by Defendant Austin Lampley under oath on the record and in the presence of counsel, the remarks of the Assistant United States Attorney and of counsel for Defendant Austin Lampley,

I FIND as follows:

(1) that Defendant Austin Lampley understands the nature of the charge against him to which the plea is offered;

(2) that Defendant Austin Lampley understands his right to trial by jury, to persist in his pleas of not guilty, to the assistance of counsel at trial, to confront and cross-examine adverse witnesses, and

his right against compelled self-incrimination;

(3) that Defendant Austin Lampley understands what the maximum possible sentence is, including the effect of the supervised release terms, and Defendant Austin Lampley understands that the sentencing guidelines apply and that the Court may depart from those guidelines under some circumstances;

(4) that the plea of guilty by Defendant Austin Lampley has been knowingly and voluntarily made and is not the result of force or threats or of promises;

(5) that Defendant Austin Lampley is competent to plead guilty;

(6) that Defendant Austin Lampley understands that his answers may later be used against him in a prosecution for perjury or false statement;

(7) that there is a factual basis for Defendant Austin Lampley's plea; and further,

I RECOMMEND that the Court accept Austin Lampley's plea of guilty to the offense charged in Count One of the Indictment and that Defendant Austin Lampley be adjudged guilty of the offense charged in Count One of the Indictment and have sentence imposed. A Presentence Report has been ordered. Should this Report and Recommendation be accepted and Austin Lampley be adjudged guilty, a sentencing date before Judge James T. Moody will be set by separate order. Objections to the Findings and Recommendation are waived unless filed and served within fourteen days. 28 U.S.C. § 636(b)(1).

SO ORDERED this 12th day of February, 2016.

s/ Paul R. Cherry

MAGISTRATE JUDGE PAUL R. CHERRY  
UNITED STATES DISTRICT COURT

cc: All counsel of record  
Honorable James T. Moody